

EXHIBIT 2

KILBURN TAMARA
5/13/2021

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

| | | |
|-------------------------------|---|---------------------|
| HUNTERS CAPITAL, LLC, et al., |) | |
| Plaintiffs, |) | |
| vs. |) | No. 20-cv-00983-TSZ |
| CITY OF SEATTLE, |) | |
| Defendant. |) | |

ZOOM VIDEO DEPOSITION UPON ORAL EXAMINATION
OF
TAMARA KILBURN
SWAY AND CAKE 30(b)(6)

9:00 a.m.
May 7, 2021

*** Contains Confidential Testimony and Exhibits ***

REPORTED BY: Pat Lessard, CCR #2104

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1 what time in 2019?

2 Q. When did you buy for summer 2020?

3 A. So for summer 2020 I had very, very limited
4 product coming in because I wanted to be on the
5 conservative side. Just because I didn't feel like I
6 was going to have the same performance as 2019 that
7 summer and I would rather be on the conservative side.

8 Also, on a side note, you know, I'm ordering
9 from people who have -- they are a small business as
10 well, so I don't feel comfortable projecting and
11 ordering if I don't know or am unable to take it in,
12 if that makes sense.

13 Q. Uh-huh.

14 A. So I just want to be super duper
15 conservative and that always works out best for
16 everyone.

17 Q. So you didn't have much coming in in June
18 2020. And when did you make that decision on taking a
19 conservative approach?

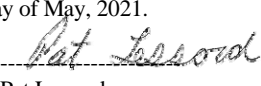

20 A. All of 2020 was conservative.

21 Q. Why?

22 A. Well, we had this thing called Covid; I
23 don't know if you're aware of that. We were shut
24 down, I believe, March 13th.

25 So at that point in time I had a full store

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| | |
|--|---|
| <p style="text-align: right;">Page 173</p> <p>1 business?</p> <p>2 A. No.</p> <p>3 MS. PRATT: I'm going to mark, hopefully,</p> <p>4 one more exhibit, Exhibit 27.</p> <p>5 (Marked Deposition Exhibit No. 27.)</p> <p>6 Q. (By Ms. Pratt) Let me know when you see</p> <p>7 that. Do you see the exhibit?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. What is Exhibit 27?</p> <p>10 A. It is an Instagram post.</p> <p>11 Q. And did Sway and Cake open on June 8th?</p> <p>12 A. I'm sorry. Did we open on June 8th?</p> <p>13 Q. Oh, I brought in the wrong one.</p> <p>14 Well, in any case. Yeah.</p> <p>15 So on June 8th you announced -- sorry, you</p> <p>16 announced that you're going to reopen?</p> <p>17 A. Yes.</p> <p>18 Q. Did you actually reopen?</p> <p>19 A. No.</p> <p>20 Q. Okay. So into June 8th you planned to</p> <p>21 reopen on June 11th, but you didn't?</p> <p>22 A. Correct.</p> <p>23 MS. PRATT: Okay. I think I am done for the</p> <p>24 day. I appreciate your time. I'm sure this was no</p> <p>25 fun.</p> | <p style="text-align: right;">Page 175</p> <p>1 SIGNATURE</p> <p>2 I declare under penalty of perjury under the</p> <p>3 laws of the State of Washington that I have read my within</p> <p>4 deposition, and the same is true and accurate, save and</p> <p>5 except for changes and/or corrections, if any, as indicated</p> <p>6 by me on the CHANGE SHEET flyleaf page hereof.</p> <p>7 Signed in _____, Washington,</p> <p>8 this _____ day of _____, 2021.</p> <p>9</p> <p>10</p> <p>11 -----</p> <p>12 TAMARA KILBURN</p> <p>13 Taken: May 7, 2021</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Re: HUNTERS CAPITAL</p> <p>23 Cause No.: 20-CV-0083-TSZ</p> <p>24 Pat Lessard, CCR 2104</p> <p>25</p> |
| <p style="text-align: right;">Page 174</p> <p>1 THE WITNESS: Thank you. I appreciate your</p> <p>2 time, too.</p> <p>3 MS. PRATT: And, Tyler, I'm just going to</p> <p>4 remind you one more time that contingency fee</p> <p>5 agreement is in there, so when it's time to designate</p> <p>6 I want to make sure that we're both on top of it,</p> <p>7 right?</p> <p>8 MR. WEAVER: Okay.</p> <p>9 MS. PRATT: We can go off.</p> <p>10 THE VIDEOGRAPHER: The time is 3:45 p.m.</p> <p>11 We are off the record.</p> <p>12 (Deposition recessed at 3:45 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 176</p> <p>1 CERTIFICATE</p> <p>2 STATE OF WASHINGTON)</p> <p>3) ss.</p> <p>4 COUNTY OF KING)</p> <p>5 I, the undersigned Washington Certified Court</p> <p>6 Reporter, hereby certify that the foregoing deposition upon</p> <p>7 oral examination of TAMARA KILBURN was taken</p> <p>8 stenographically by me on May 7, 2021, and transcribed under</p> <p>9 my direction;</p> <p>10 That the witness was duly sworn by me pursuant to</p> <p>11 RCW 5.28.010 to testify truthfully; that the transcript of</p> <p>12 the deposition is a full, true, and correct transcript to</p> <p>13 the best of my ability; that I am neither attorney for nor</p> <p>14 relative or employee of any of the parties to the action or</p> <p>15 any attorney or counsel employed by the parties hereto, nor</p> <p>16 am I financially interested in its outcome.</p> <p>17 I further certify that in accordance with</p> <p>18 CR 30(e) the witness was given the opportunity to examine,</p> <p>19 read and sign the deposition within 30 days upon its</p> <p>20 completion and submission, unless waiver of</p> <p>21 signature was indicated in the record.</p> <p>22 IN WITNESS WHEREOF, I have hereunto set my hand this</p> <p>23 11th Day of May, 2021.</p> <p>24  </p> <p>25 Pat Lessard, pat@court-reporter.com</p> |

44 (Pages 173 to 176)